



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY	FINANCING AUTHORITY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair	Dennis Kennedy, President
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair	Greg Sellers, Vice-President
Larry Carr, Council Member	Larry Carr, Agency Member	Larry Carr, Authority Commissioner
Hedy Chang, Council Member	Hedy Chang, Agency Member	Hedy Chang, Authority Commissioner
Steve Tate, Council Member	Steve Tate, Agency Member	Steve Tate, Authority Commissioner

WEDNESDAY, FEBRUARY 4, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

And

REDEVELOPMENT AGENCY SPECIAL MEETING

And

MORGAN HILL FINANCE AUTHORITY COMMISSION

6:00 P.M.

A Special Meeting of the City Council, Redevelopment Agency, and Morgan Hill Financing Authority Commission is called at 6:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.

**Dennis Kennedy, Mayor, Chairman, and
President of the Financing Authority Commission**

CALL TO ORDER

(Mayor/Chairperson/President Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary/Commission Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary/Commission Secretary Torrez)

6:00 p.m.

City Council Action

WORKSHOP:

	Time Estimate		Page
1.	45 Minutes	<u>REVIEW OF REVISED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE INSTITUTE GOLF COURSE AND MATHEMATICS CONFERENCE CENTER</u>	1
		<u>Recommended Action(s):</u>	
		1. <u>Receive</u> Applicant and Staff Presentations and Public Comment; and	
		2. <u>Provide</u> Comment on the Revised Draft EIR.	

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

National Future Business Leaders of America Week
February 8 – 14, 2004
Live Oak School Chapter of FBLA - Tiffany Shyuan and/or Derek Chan

CITY COUNCIL REPORT

Mayor Pro Tempore Sellers

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 2-15

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

2. **SUBDIVISION, SD-03-15: EAST CENTRAL-WARMINGTON** **13**
Recommended Action(s): Take No Action, Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
3.	<u>WATER RATE SURCHARGES</u> <u>Recommended Action(s): Adopt</u> the Resolution Revising Monthly Water System Fees.	39
4.	<u>2003-2004 CITY WORKPLAN, SECOND QUARTER UPDATE</u> <u>Recommended Action(s): Accept</u> Second Quarter Update of the 2003-2004 Workplan.	47
5.	<u>REIMBURSEMENT FOR STORM DRAIN IMPROVEMENTS BY QUAIL CREEK PHASE I (TRACT 9427)</u> <u>Recommended Action(s):</u> 1. <u>Approve</u> Appropriation of \$103,881 from Current Year Unappropriated Storm Drain Impact Fee Fund to Fund this Reimbursement; and 2. <u>Authorize</u> the City Manager to Execute the Reimbursement Agreement on Behalf of the City.	69
6.	<u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9426, CENTRAL PARK PHASE V</u> <u>Recommended Action(s):</u> 1. <u>Adopt</u> the Resolution Accepting the Subdivision Improvements Included in Tract 9426, Commonly Known as Central Park Phase V; and 2. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office.	79
7.	<u>SECOND AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF HATCH & PARENT</u> <u>Recommended Action(s):</u> 1. <u>Authorize</u> the Appropriation of \$106,000 From the Unappropriated Water Fund Balance into Account 650-42230-5710 to Fund the Continuing Legal Services of Hatch & Parent; and 2. <u>Authorize</u> the City Manager to Execute a Second Amendment to Agreement with the Law Firm of Hatch & Parent.	85
8.	<u>AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF ENDEMAN, LINCOLN, TUREK, & HEATER</u> <u>Recommended Action(s): Authorize</u> the City Manager to Execute an Amended Agreement with the Law Firm of Endeman, Lincoln, Turek & Heater.	103
9.	<u>APPROVE PURCHASE ORDERS FOR THE TENANT IMPROVEMENTS FOR THE NEW POLICE FACILITY – GENERATOR</u> <u>Recommended Action(s): Authorize</u> the City Manager to Approve a Purchase Order in the Amount of \$54,578.34 to Spiess Electric for the Generac Power System Generator Purchased for the Tenant Improvements at the New Police Facility.	117
10.	<u>APPROVE PURCHASE ORDER FOR THE FURNISHINGS, FIXTURES, AND EQUIPMENT (FF&E) FOR THE NEW POLICE FACILITY</u> <u>Recommended Action(s): Authorize</u> the City Manager to Approve a Purchase Order in the Amount of \$12,920.00 to Sirchie Fingerprint Laboratories Inc. for the Furniture, Fixtures and Equipment (FF&E) at the New Police Facility.	119
11.	<u>APPROVE WATSON FURNITURE AS SOLE SOURCE VENDOR FOR THE UPGRADE OF EXISTING FURNITURE FOR THE NEW POLICE FACILITY</u> <u>Recommended Action(s): Authorize</u> the City Manager to Approve a Purchase Order in the Amount of \$22,268.65 to Watson Furniture for Upgrades and Expansion of the Existing Dispatch Consoles for the New Police Facility (Portion of the Previously Approved FF&E Budget).	121

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

12. **APPROVE PURCHASE ORDERS FOR THE TENANT IMPROVEMENTS FOR THE NEW POLICE FACILITY – SECURITY SYSTEMS** 123
Recommended Action(s): **Authorize** The City Manager to Approve a Purchase Order for the Design, Purchase and Installation of Card Readers, Closed Circuit TV, New Phone System, Fire and Security Alarm Systems Purchased for The Tenant Improvements At The New Police Facility.

13. **ADOPT ORDINANCE NO. 1652, NEW SERIES** 125
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1652, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING TEXT AMENDMENTS TO SUBSECTIONS 18.76.130A8, 18.76.250C AND 18.76.250F OF CHAPTER 18.76 (SIGN CODE) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ALLOWING CHANGEABLE COPY SIGNS FOR MOVIE THEATERS. (ZA-03-16: CITY OF MORGAN HILL-TEXT AMENDMENT/SIGN CODE).**

14. **ADOPT ORDINANCE NO. 1653, NEW SERIES, AS AMENDED** 131
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1653, New Series, As Amended, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADDING SECTION 18.54.200(Interim Use Permits) TO CHAPTER 18.54 (Condition and Temporary Use Permits) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING PERMITS FOR INTERIM USES.**

15. **APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF JANUARY 14, 2004** 139

City Council Action (continued)

CONSENT CALENDAR:

ITEM 16

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

16. **ADOPT ORDINANCE NO. 1651, NEW SERIES, AS AMENDED** 141
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1651, New Series, As Amended, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1599, NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-01-07: SHAFER – BAMDAD TO INCORPORATE A ONE-YEAR EXTENSION OF TIME FOR THE SEVEN, PHASE I UNITS AND A ONE-YEAR EXTENSION OF TIME FOR THE EIGHT, PHASE II UNITS OF THE 15-UNIT DEVELOPMENT. (APN 728-10-005)/ (DAA-02-07: SHAFER – BAMDAD).**

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 17-19

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
17.	<u>APPROVE MINUTES FOR JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF JANUARY 16, 2004</u>	147
18.	<u>APPROVE MINUTES FOR JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF JANUARY 17, 2004</u>	149
19.	<u>APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF JANUARY 21, 2004</u>	151

City Council, Redevelopment Agency, and Morgan Hill Finance Authority Commission Action

CONSENT CALENDAR:

ITEM 20

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
20.	<u>APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR CITY COUNCIL, SPECIAL REDEVELOPMENT AGENCY, AND MORGAN HILL FINANCE AUTHORITY COMMISSION MEETING OF JANUARY 14, 2004</u>	193

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
21.	5 Minutes	
	<u>DEVELOPMENT AGREEMENT, DA-03-14: EAST CENTRAL-WARMINGTON</u>	217
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
	Council Discussion.	
	Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Ordinance.	
	Action- <u>Motion to Introduce</u> Development Agreement Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
22.	10 Minutes	<u>RECONSIDERATION OF APPEAL APPLICATION AP-03-07: WEST MAIN-VIERRA.</u> <u>Recommended Action(s): Council Discretion.</u> Should the City Council Agree to Reconsider the Appeal, it is Recommended the Item be Scheduled for the February 18, 2004 Meeting.	245

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT